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13 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA  
14 SAN FRANCISCO DIVISION

15

16 JOHN DOE #1 AND JOHN DOE #2,

Case No. 3:21-cv-00485-JCS

17 Plaintiffs,

**DEFENDANT TWITTER, INC.’S RESPONSE  
TO PLAINTIFFS’ *EX PARTE* APPLICATION  
FOR EXTENSION OF LENGTH FOR  
MEMORANDUM OF LAW IN OPPOSITION TO  
DEFENDANTS’ MOTION TO DISMISS**

18 v.

19 TWITTER, INC.,

Judge: Honorable Joseph C. Spero

20 Defendants.

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1           Defendant Twitter, Inc. (“Twitter”) offers a response to Plaintiffs’ *Ex Parte* Application for  
 2 Extension of Length for Memorandum of Law in Opposition to Defendants’ Motion to Dismiss  
 3 (the “*Ex Parte* Application,” ECF No. 51), and will defer to the Court’s judgment. Twitter notes  
 4 two points regarding Plaintiffs’ request—(i) the *Ex Parte* Application is procedurally improper  
 5 under Civil Local Rule 7-10, and (ii) the *Ex Parte* Application does not explain how or why any  
 6 page extension is necessary.

7           Civil Local Rule 7-10 mandates that an *ex parte* application “include a citation to a statute,  
 8 rule or order which permits the use of an *ex parte* motion to obtain the relief sought.” Civil L.R.  
 9 7-10. Yet the *Ex Parte* Application here does not cite any “statute, rule or order” that authorizes it,  
 10 which “alone [] justifies] denial.” *Bertuccio v. San Benito Cty*, 2013 WL 2147421, at \*3 (N.D.  
 11 Cal. May 15, 2013) (“The motion **must** include a citation to the statute, rule or order which permits  
 12 the use of an *ex parte* motion to obtain the relief sought.” (emphasis added)); *Garrison v. Oracle*  
 13 *Corp.*, 159 F. Supp. 3d. 1044, 1061 (N.D. Cal. 2016) (striking *ex parte* motion because it “does not  
 14 cite to any authority permitting the filing of an *ex parte* motion”).

15           And, even if the Court considers the *Ex Parte* Application, it does not articulate why ten  
 16 additional pages of briefing is required.<sup>1</sup> Courts have established page limits for sound reasons:  
 17 “Judicial economy and concise argument are purposes of the page limit.” *Aircraft Technical*  
 18 *Publishers v. Avantext, Inc.*, 2009 WL 3833573, at \*1 (N.D. Cal. Nov. 16, 2009) (ordering plaintiff  
 19 to refile its summary judgment motion that may “not [] exceed twenty-five pages”). Here, Plaintiffs  
 20 have failed to explain how or why any page extension—let alone ten additional pages—would serve  
 21 judicial economy, encourage concise argument, or is necessary. The *Ex Parte* Application claims  
 22 that the “length and complexity of the issues” warrants additional pages but does not point to any  
 23 specific issue to explain how or why that is so. The *Ex Parte* Applications also avers that much of  
 24 Plaintiffs’ current draft “consists of direct quotes and paraphrases of Defendants’ Motion to  
 25 Dismiss,” but that problem can be fixed simply by replacing such quotes and paraphrases with  
 26 references to the page and line numbers of Defendants’ Motion to Dismiss.

27  
 28 <sup>1</sup> The proper mechanism for Plaintiffs’ requested relief would have been a motion for administrative  
       relief under Civil Local Rule 7-11. See Civil L.R. 7-11.

Twitter respectfully submits this response and defers to the Court. Twitter requests that in the event the Court grants the *Ex Parte* Application, the Court also grants Twitter an equal number of additional pages for its anticipated reply.

Dated: June 7, 2021

COOLEY LLP

By: /s/ Kyle C. Wong  
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